

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

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**KIMBERLY COLE and ALAN COLE, *et al.*,  
on behalf of themselves and all others  
similarly situated,**

**Plaintiffs,**

**v.**

**NIBCO Inc.,**

**Defendant.**

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**: CIVIL ACTION NO.  
: 13-CV-07871-FLW-TJB  
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: Document Electronically  
: Filed  
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: Oral Argument Requested  
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**DEFENDANT NIBCO INC.'S NOTICE OF MOTION TO EXCLUDE  
EXPERT OPINIONS AND REPORT OF CYNTHIA SMITH**

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**PLEASE TAKE NOTICE** that on September 8, 2017 at 9:30 am, or as soon thereafter as counsel may be heard, pursuant to L. Civ. R. 5.3 and 7.1, the undersigned, Lathrop & Gage LLP and Morgan, Lewis & Bockius LLP, counsel for Defendant NIBCO Inc. (“NIBCO”), shall move this Court for an order excluding the report and opinions of Cynthia Smith.

**PLEASE TAKE FURTHER NOTICE** that in support of this motion, NIBCO shall rely upon the accompanying Memorandum in Support and Declaration of Rachel Stephens and exhibits thereto. A proposed order has been submitted with these papers.

**PLEASE TAKE FURTHER NOTICE** that NIBCO requests oral argument.

Dated: July 28, 2017

*/s/ Franco A. Corrado*

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